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**From:** Ruhl, Lisa  
**Sent:** Tuesday, September 12, 2017 4:53 PM  
**To:** Foster, Althea  
**Cc:** Nicholls, Jacob; Spelman, John; Mason, Steve  
**Subject:** RE: Credit hours are voluntary hours of work

I spoke to Tony right after he sent this. Let's discuss. He's asked that his guidance not be shared yet. We spoke to HQ and some adjustment need to be made.

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**From:** Foster, Althea  
**Sent:** Tuesday, September 12, 2017 4:48 PM  
**To:** Ruhl, Lisa ; Nicholls, Jacob ; Spelman, John ; Mason, Steve  
**Subject:** FW: Credit hours are voluntary hours of work

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**From:** Clifton, Tony  
**Sent:** Tuesday, September 12, 2017 2:33 PM  
**To:** Smith, Monica <[smith.monica@epa.gov](mailto:smith.monica@epa.gov)>; Foster, Althea <[Foster.Althea@epa.gov](mailto:Foster.Althea@epa.gov)>  
**Subject:** Credit hours are voluntary hours of work

Hi Monica & Althea,

This is a follow-up to your question about work schedules and overtime. For staff on a flexible schedule, credit hours means, *"those hours worked in excess of an employee's basic work requirement that an employee on a Daily Flexible Schedule **elects to work** so as to vary the length of a succeeding workday."* This means that those are hours that an employee is free to leave and the Agency is not requiring them to work. The scenario you described to me in which an employee must routinely work more than 8 hours in a day and does not have the luxury of electing to work those hours beyond 8, indicates that the employee is not earning credit hours. They are working overtime hours that are either compensated by overtime pay or compensatory time (whichever is appropriate given the time of overtime, the employee's FLSA status, etc).

The description of credit hours was taken from our negotiated agreement on hours of work (attached). This is consistent with [OPM's definition of credit hours](#), which is:

Credit hours are hours that an employee elects to work, with supervisory approval, in excess of the employees basic work requirement under a flexible work schedule. (Information on flexible work schedules is available in OPMs [Handbook on Alternative Work Schedules](#).) The basic work requirement for full-time employees is 80 non-overtime hours in a 2-week pay period. Agency policies or union agreements may place restrictions on earning or using credit hours.

Employees are not paid basic pay or overtime pay for credit hours when they earn them. An employee may use credit hours during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent from an equal number of hours of the employees basic work requirement with no loss of basic pay. (See the definitions of *basic work requirement* and *credit hours* in 5 U.S.C. 6121(3) and (4), respectively.)

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